## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:21-cy-137-KDB

LAURA THUN CARPENTER,	)
Plaintiff,	) ) )
VS.	ORDER
COMMISSIONER OF SOCIAL SECURITY,	) )
Defendant.	) ) )

**THIS MATTER** is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, (Doc. No. 2).<sup>1</sup>

In this matter, Plaintiff appears to seek review of a final determination denying a claim for disability benefits under the Social Security Act. See (Doc. No. 1).

The Court has considered Plaintiff's Application, which shows average monthly income for the past 12 months of \$1,417.35 from her spouse's employment and disability benefits. (Doc. No. 3 at 1-2). The Plaintiff expects income of \$1,670.35 next month because her spouse's employment income has increased. (Id. at 1-2). As assets, the Plaintiff and her spouse have \$80 in cash, \$166.46 in bank accounts, and four motor vehicles worth a total of \$4,420. (Id. at 2-3). The household's monthly expenses total \$1,394.63, including \$206 for utilities, \$100 for home maintenance, \$200 for food, \$20 for clothing, \$160 for transportation, \$114 for recreation, and \$181 in installment payments. (Id. at 4-5). Plaintiff does not expect any major changes in monthly income, assets, or liabilities during the next 12 months. (Id. at 5). Plaintiff expects to pay her

<sup>&</sup>lt;sup>1</sup> The Application applies only to the filing and service fees, as Plaintiff is represented by counsel.

<sup>&</sup>lt;sup>2</sup> The Plaintiff does not list a home among her assets and does not include housing as a monthly expense.

lawyers 25% of past-due benefits in conjunction with this action. (<u>Id.</u>). To further explain why she

cannot pay the costs of these proceedings, the Plaintiff states: "There is hardly ever enough money

to pay all our bills." (Id.).

The Court is not satisfied that the Plaintiff lacks sufficient funds with which to pay the

filing fee. The Plaintiff's spouse recently received a pay increase, and consequently, the couple's

monthly income exceeds the household's monthly expenses by more than \$275. Therefore,

Plaintiff's Application will be denied without prejudice for Plaintiff to either pay the filing fee or

more fully explain her inability to pay the costs of these proceedings.

IT IS, THEREFORE, ORDERED that:

(1) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or

Costs, (Doc. No. 2), is **DENIED** without prejudice to pay the filing fee or refile an

Application within **20 days** of this Order.

(2) If Plaintiff fails to timely comply with this Order, the Complaint will be dismissed

without prejudice and this case will be closed without further notice.

Signed: October 7, 2021

Kenneth D. Bell

United States District Judge